

REMARKS**Telephone Interview**

The undersigned wishes to acknowledge the telephone interview conducted on November 21, 2005, and to thank Examiner Nguyen and Examiner Matar for their insight and for affording the undersigned an opportunity to discuss the Applicants' invention. The undersigned believes that the remarks in this paper are in harmony with the positions expressed during the interview.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-41 are pending in the application. Claims 1-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,704,409 issued to Dilip, et al. (Dilip). Claims 1, 13, and 23 are amended. As amended, Claim 1 recites,

1. A method comprising:
maintaining real-time data for multi-channel communication queuing, wherein the maintaining comprises:
forming a list of agent data, wherein the agent data comprises
authorization information, wherein
the authorization information is configured to indicate
which of a plurality of types of communication
media an agent is authorized to access, and
status information regarding a corresponding status of the agent for
each of the types of communication media.

Applicants respectfully submit that amended claim 1 clearly distinguishes over Dilip.

Dilip does not teach agent data, as recited in claim 1. The final Office action, dated September 22, 2005, stated that Dilip teaches “forming a list of agent data depending on area of expertise (col. 5, line 67 through col. 6, line 3).” Column 5, line 67 through column 6, line 3 states

“Server 12a then communicates the e-mail to transaction processing system 10, which provides the e-mail to a particular agent or group of agents for response. Agents may be grouped together based on area of expertise, company department, or type of support provided (e.g. sales or technical support.”

In response to the final Office action, Applicants noted that “nothing in the cited portion of Dilip teaches forming a list of agent data. Applicants submit that grouping agents based on an area of expertise does not teach ‘forming a list of agent data.’ In fact, Applicants are unable to find anywhere that Dilip even mentions a list or forming a list.”

In reply to the Applicants’ assertions, the advisory action states, “a supervisor may manually write on a piece of paper a list [*sic*] employees that is in the office and who would handle certain functions in real-time. . . . For example, every day or at least once a week, a supervisor may manually write on a piece of paper a list employees that is in the office and who would handle certain functions such as: John handles phone only; while Eddie handles e-mail.”

The list described in the advisory action’s example does not indicate a corresponding status of an agent for each type of communication media the agent is authorized to access. During the interview, the Examiner suggested that a telephone system inherently knows the status (i.e., whether the telephone is in use) of each telephone in the system. However, telephone systems do not inherently include status information in a list of agent data. Thus, the example in the advisory action fails to

remedy Dilip's failure to show a list of agent data that includes a status of an agent for each type of communication media the agent is authorized to access.

Amended claim 1 further distinguishes over Dilip by reciting "authorization information [that] is configured to indicate which of a plurality of types of communication media an agent is authorized to access" As previously mentioned, Dilip does not disclose a list of agent data at all, and therefore Dilip could not, and would not be expected to disclose a list of agent data that includes authorization information regarding a plurality of types of communication media an agent might be authorized to access. Furthermore, the example provided in the advisory action does not teach that agent data that includes information regarding a plurality of types of communication media that an agent may be authorized to access.

With respect to the use of examples as prior art against claim 1, Applicants respectfully request that the Examiner provide an affidavit as to the personal knowledge relied on within the meaning of MPEP §2144.03 and 37 C.F.R. §1.107, or designate a reference or particular parts of the cited references and the pertinence of each reference in support of the rejection as required by 37 C.F.R. 1.106(b), which provides: "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

Applicants also submit that claim 1 also distinguishes over Dilip by reciting that agent data that includes status information regarding a corresponding status of the agent for each of the types of communication media. As previously mentioned, the Examiner suggested that status information of an agent with respect to a telephone is inherent in a

telephone system. Applicants submit that the Examiner has not met the burden required to show inherency. “Inherent anticipation requires that the missing descriptive material is ‘necessarily present,’ not merely probably or possibly present, in the prior art.” *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002). The Examiner bears the burden of showing that missing descriptive material is necessarily present. “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” (emphasis in original) MPEP § 1221 quoting *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

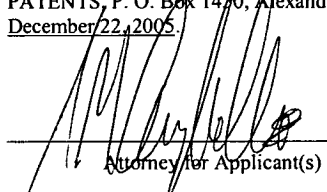
A telephone system, such as the telephone system of Dilip, does not inherently know the status of an agent with respect to taking telephone calls. For example, an agent might be unavailable to take a telephone call, but the telephone system would not inherently know that the agent is unavailable. Since Dilip’s system does not necessarily know the status of an agent with respect to the telephone, the system does not inherently disclose an agent’s status with respect to the telephone.

Even if Dilip did disclose such status information, which Applicants do not concede, amended claim 1 further distinguishes over Dilip by reciting that the agent data includes status information for a plurality of types of communication media. While Dilip discusses email, Dilip does not discuss keeping track of a status for an agent with respect to using email. Furthermore, Applicants submit that email systems do not inherently track the status of agents who are using email. Thus, Dilip does not show, teach or suggest agent data that includes status information regarding a corresponding status of the agent for each of the at least two types of communication media, as recited in claim 1.

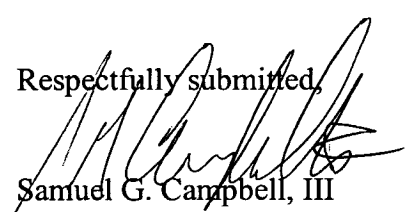
Accordingly, claim 1 clearly distinguishes over Dilip. Applicants submit that claims 13 and 23 distinguish over Dilip for at least the same reasons that claim 1 distinguishes over Dilip. Therefore, independent claims 1, 13, and 23, as well as claims 2-12, 14-22, and 24-41, which depend from claims 1, 13, and 23, are allowable for at least the foregoing reasons. Accordingly, Applicants respectfully request withdrawal of the rejections based on 35 U.S.C. §103.

CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on <u>December 22, 2005</u> .	
 _____ Attorney for Applicant(s)	<u>12/22/05</u> _____ Date of Signature

Respectfully submitted,


 Samuel G. Campbell, III
 Attorney for Applicants
 Reg. No. 42,381
 (512) 439-5084 [Phone]
 (512) 439-5099 [Fax]